Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

James A. Dumas (SBN 76284)
Christian T. Kim (SBN 231017)
Ann S. Chang (SBN 281116)
DUMAS & KIM, APC
3435 Wilshire Boulevard, Suite 990
Los Angeles, California 90010
Phone: (213) 368-5000
Fax: (213) 368-5009
jdumas@dumas-law.com
ckim@dumas-law.com
achang@dumas-law.com

☐ *Individual appearing without attorney*
☒ *Attorney for:* Carolyn A. Dye, Chapter 7 Trustee

FOR COURT USE ONLY

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION

In re:

CATHY L. MONTENEGRO,

Debtor(s).

CASE NO.: 2:20-bk-18390-VZ

CHAPTER: 7

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: 02/23/2021	**Time:** 11:00 am
Location: 255 E. Temple Street, Courtroom 1368, Los Angeles, CA 90012	

Type of Sale: ☒ Public ☐ Private **Last date to file objections:** 02/09/2021

Description of property to be sold:
2347 S. Madrona Drive, Palm Springs, CA 92264 (APN: 511-420-003)

Terms and conditions of sale:
The terms and conditions of the sale are set forth in the notice attached hereto as Exhibit "A"

Proposed sale price: $ 515,000.00

Overbid procedure (*if any*):

The overbid procedure is described in the notice attached hereto as Exhibit "A"

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

February 23, 2021
11:00 a.m.
Via Zoom
255 E. Temple Street, Courtroom 1368, Los Angeles, CA 90012

Contact person for potential bidders (*include name, address, telephone, fax and/or email address*):

Christian T. Kim (SBN 231017)
DUMAS & KIM, APC
3435 Wilshire Boulevard, Suite 990
Los Angeles, California 90010
Phone: (213) 368-5000
Fax: (213) 368-5009
ckim@dumas-law.com

Date: 02/02/2021

EXHIBIT "A"

EXHIBIT "A"

James A. Dumas (SBN 76284)
Christian T. Kim (SBN 231017)
Ann S. Chang (SBN 281116)
DUMAS & KIM, APC
3435 Wilshire Boulevard, Suite 990
Los Angeles, California 90010
Phone: 213-368-5000
Fax: 213-368-5009

Attorneys for Chapter 7 Trustee,
Carolyn A. Dye

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re: CATHY L. MONTENEGRO, Debtor.	Case No.: 2:20-bk-18390-VZ Chapter 7 [Honorable Vincent P. Zurzolo] **NOTICE OF TRUSTEE'S MOTION FOR ORDER AUTHORIZING SALE OF REAL PROPERTY OF THE ESTATE [2347 S. Madrona Drive, Palm Springs, CA 92264] FREE AND CLEAR OF LIENS AND INTERESTS PURSUANT TO 11 U.S.C. SECTION 363(b), SUBJECT TO HIGHER AND BETTER OFFERS, AND APPROVING OVERBIDDING PROCEDURES** **Date: February 23, 2021** **Time: 11:00 a.m.** **Place: Via Zoom** **255 E. Temple Street** **Courtroom 1368** **Los Angeles, CA 90012**

TO THE HONORABLE VINCENT P. ZURZOLO, UNITED STATES BANKRUPTCY JUDGE, THE DEBTOR AND HER COUNSEL OF RECORD, AND OTHER INTERESTED PARTIES:

PLEASE TAKE NOTICE that on February 23, 2021, at 11:00 a.m., a hearing will be held via Zoom in Courtroom 1368 before the Honorable Vincent P. Zurzolo, United States Bankruptcy Judge, in the United States Bankruptcy Court located at 255 E. Temple Street, Los Angeles, California to consider the motion of the Chapter 7 Trustee herein, Carolyn A. Dye ("Trustee"), for an order authorizing the sale of the real property located at 2347 S. Madrona Drive, Palm Springs, CA 92264 (APN: 511-420-003) ("Property") free and clear of liens and interests, and subject to higher and better offers, approving overbidding procedures. The Motion is based on the following:

Trustee proposes to sell the Property to Jeffrey P. Stearns and Jeffrey A. Ogle (collectively the "Buyer") for a total consideration of Five Hundred Fifteen Thousand Dollars ($515,000). The estate will pay sales commissions (5%) and the usual closing costs (estimated at 2%). Buyer has paid a total of Twenty Thousand Dollars ($20,000) as a deposit into escrow. Escrow is scheduled to close within fourteen (14) days of the date on which the order approving the sale of the Property is entered on the Court's docket. The sale is on an "as is - where is" basis. The overbid procedures are as follows:

a. Minimum Overbids. The minimum overbid for the Property shall be $5,000 above the present offer and any subsequent overbids shall be at least $5,000 over the preceding offer.

b. Minimum Deposits. A minimum deposit of Twenty-Five Thousand Dollars ($25,000), which is inclusive of the down payment of Twenty Thousand Dollars ($20,000) and the initial overbid of Five Thousand Dollars ($5,000). The overbid payment shall be by cashier's check payable to "Carolyn A. Dye ATF Cathy Montenegro," and must accompany any overbid offer for the Property with evidence of the ability to close the transaction. In the event the approved Buyer does not close the transaction, the deposit will be non-refundable if the overbid is accepted and the sale does not close within fourteen (14) days of the date on which the Order approving the sale of the Property is entered by the Court.

c. Overbidders are requested to submit to the Trustee, not later than forty-eight (48) hours before the hearing date, a cashier's check for the required deposit and evidence of the ability to close. The Trustee will promptly advise any proposed overbidder of any disapproval of qualifications, giving the overbidder an opportunity to correct the deficiency. The Trustee holds sole

discretion in accepting and rejecting all overbids. In any event, the proponent of each overbid must submit, not later than one hour prior to the date and time of the hearing on the sale, a cashier's check for Twenty-Five Thousand Dollars ($25,000) and evidence of the financial ability to close escrow within fourteen (14) days of submission of overbid. This evidence must at a minimum include a demonstration of firm financing commitment from a recognized lender and/or sufficient liquid funds on deposit, all to the satisfaction of the Trustee.

d. All overbids for the Property must provide for payment of the entire purchase price at the close of escrow.

e. Any overbids shall offer to purchase the Property on a "as-is - where is" basis and shall contain no conditions, contingencies or addendum in addition to those contained in the terms agreed to between Trustee and Buyer and presented to this Court.

f. All due diligence investigations shall be conducted prior to the sale hearing.

g. At the conclusion of the hearing on the Motion, the Court shall determine the highest and best offer for the Property, and the Trustee shall proceed to consummate the sale of the Property in accordance with such offer to the highest bidder without further notice to creditors or hearing before this Court.

h. The overbidder's deposit is non-refundable in the event that Court confirms the sale but, for any reason whatsoever, the overbidder fails to close the sale timely. The overbidding party will be bound by all of the terms of sale proposed in this Motion (as incorporated by reference in the sales contract) except as to price, without contingencies of any kind, including financing contingencies, and shall close the escrow no more than fourteen (14) days after the entry of the order approving the Motion.

i. The Trustee also proposes that the Court confirm a backup buyer so that, in the event that the successful overbidder does not close within fourteen (14) days after the entry of the order approving the Motion, the Trustee may retain the deposit of the original successful buyer as liquidated damages and sell the Property to the back-up buyer for the amount of such backup last bid.

j. The Trustee also seeks a ruling that the party to whom the Court confirms the sale and any backup buyers are good faith purchasers for purposes of 11 U.S.C. §363(m).

You may request a complete copy of this Motion from

Christian T. Kim
DUMAS & KIM, APC
3435 Wilshire Blvd., Ste. 990
Los Angeles, CA 90010
(213) 368-5000
ckim@dumas-law.com

A complete copy of the Motion is also on file with the Clerk of the Court and may be viewed at the United States Bankruptcy Court, 255 E. Temple Street, Room 940, Los Angeles, CA 90012.

PLEASE TAKE FURTHER NOTICE that any objection to the Motion or the proposed sale must be made in writing and filed with the Court no later than fourteen (14) days prior to the hearing in conformity with Local Bankruptcy Rule 9013-1(f), and consist of a written statement of all reasons in opposition, an answering Memorandum of Points and Authorities, declarations, and documentary evidence on which the responding party intends to rely.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Bankruptcy Rule 9013(h), any objection not timely filed and served may be deemed by the Court to be consent to the relief requested and may result in the Court's issuance of an order without further notice or hearing.

Dated: February 2, 2021

DUMAS & KIM, APC

By: */s/ Christian T. Kim*
Christian T. Kim, Attorneys for Chapter 7 Trustee, Carolyn A. Dye

Date of Mailed Service: February 2, 2021

In re: CATHY L. MONTENEGRO Debtor(s).	CHAPTER: 7 CASE NUMBER: 2:20-bk-18390-VZ

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 3435 Wilshire Blvd., Ste. 990, Los Angeles, CA 90010.
A true and correct copy of the foregoing document entitled (*specify*): ***Notice of Trustee's Motion for Order Authorizing Sale of Real Property of the Estate [2347 S. Madrona Dr., Palm Springs, California 92264 Free and Clear of Liens and Interests Pursuant to 11 U.S.C. Section 363(b), Subject to Higher and Better Offers, and Approving Overbidding Procedures*** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) ***February 2, 2021***, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Ann Chang achang@dumas-law.com
James A Dumas jdumas@dumas-law.com, jdumas@ecf.inforuptcy.com
Carolyn A Dye (TR) trustee@cadye.com, cdye@ecf.axosfs.com;atty@cadye.com
Christian T Kim ckim@dumas-law.com, ckim@ecf.inforuptcy.com
Joseph L Pittera jpitteralaw@gmail.com
Jolene Tanner jolene.tanner@usdoj.gov, USACAC.criminal@usdoj.gov
United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:
On (*date*) ***February 2, 2021***, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Cathy L. Montenegro
1755 Hickory Avenue
Torrance, California 90503

GCFS, Inc.
c/o Burke H. Nelson, Gary A. Bemis
Legal Department of GCFS, Inc.
4301 Secondwind Way, Ste 110
P.O. Box 3410
Paso Robles, CA 93447-3410

☑ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) ***February 2, 2021***, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 2, 2021	Danielle M. Landeros	/s/ Danielle M. Landeros
Date	*Printed Name*	*Signature*

Label Matrix for local noticing
0973-2
Case 2:20-bk-18390-VZ
Central District of California
Los Angeles
Tue Feb 2 12:26:41 PST 2021

LEA Accountancy, LLP
3435 Wilshire Boulevard
Suite 990
Los Angeles, CA 90010-1998

UNITED STATES OF AMERICA on behalf of the IN
Attn: Jolene Tanner
300 N. Los Angeles Street, Room 7211
Los Angeles, CA 90012-3342

Los Angeles Division
255 East Temple Street,
Los Angeles, CA 90012-3332

(p)CAINE & WEINER COMPANY
12005 FORD ROAD 300
DALLAS TX 75234-7262

Canyon Estates Homeowners Association
Kyle Lakin, Esq Delphi Law Group LLP
1901 Camino Vida Roble #100
Carlsbad CA 92008-6560

Canyon Estates Homewoners Assoc
2323 South Madrona Drive
Palm Springs, CA 92264-9598

Convergent Outsourcing
Po Box 9004
Renton, WA 98057-9004

Desert Water Agency
1200 S. Gene Autry Trail
Palm Springs, CA 92264-3533

FRANCHISE TAX BOARD
BANKRUPTCY SECTION MS A340
PO BOX 2952
SACRAMENTO CA 95812-2952

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

KOLL PER COLLEGE BUSINESS PARK, LLC
C/O KOLL COMPANY
17755 SKY PARK EAST, SUITE 100
IRVINE, CA 92614-6400

Koll/PER College
Business Park, LLC
c/o Richard L. Seide, APC
901 Dove Street Suite 120
Newport Beach, CA 92660-3018

Kyle Lakin, Esq.
Delphi Law Group
1901 Camino Vida Roble
Suite 100
Carlsbad, CA 92008-6560

(p)LOS ANGELES COUNTY TREASURER AND TAX COLLE
ATTN BANKRUPTCY UNIT
PO BOX 54110
LOS ANGELES CA 90054-0110

M Leonard &
14520 Erwin Street
Van Nuys, CA 91411-2340

Riverside County Tax Collector
Adelina Abril
4080 Lemon St, 4th Floor
Riverside CA 92501-3609

Riverside County Treasurer
P.O. Box 12005
Riverside, CA 92502-2205

Syncb/care Credit
C/o Po Box 965036
Orlando, FL 32896-0001

Unifund CCR Partners
Law Offices of Kenosian & Miele LLP
8581 Santa Monica Blvd. #17
Los Angeles, CA 90069-4120

United States Trustee (LA)
915 Wilshire Blvd, Suite 1850
Los Angeles, CA 90017-3560

Valley Collection Serv
Po Box 10130
Glendale, AZ 85318-0130

Carolyn A Dye (TR)
Law Offices of Carolyn Dye
3435 Wilshire Blvd, Suite 990
Los Angeles, CA 90010-1998

Cathy L. Montenegro
1755 Hickory Avenue
Torrance, CA 90503-7219

Joseph L Pittera
1308 Sartori Avenue Suite 109
Torrance, CA 90501-2755

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Caine & Weiner
Po Box 55848
Sherman Oaks, CA 91413

Internal Revenue Service
300 North Los Angeles Street
MS 5022
Los Angeles, CA 90012

Jpmcb Card
Po Box 15369
Wilmington, DE 19850

LOS ANGELES COUNTY TREASURER AND TAX COLLECT
PO BOX 54110
LOS ANGELES CA 90054-0110

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Dumas & Kim, APC

(u)LEA Accountancy

(u)Pacific Sothebys International Realty

(d)Kyle Lakin, Esq.
Delphi Law Group
1901 Camino Vida Roble
Suite 100
Carlsbad, CA 92008-6560

End of Label Matrix

Mailable recipients	25
Bypassed recipients	4
Total	29

In re: CATHY L. MONTENEGRO Debtor(s).	CHAPTER: 7 CASE NUMBER: 2:20-bk-18390-VZ

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 3435 Wilshire Blvd., Ste. 990, Los Angeles, CA 90010.

A true and correct copy of the foregoing document entitled (*specify*): ***Notice of Sale of Estate Property*** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) ***February 2, 2021***, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Ann Chang achang@dumas-law.com
James A Dumas jdumas@dumas-law.com, jdumas@ecf.inforuptcy.com
Carolyn A Dye (TR) trustee@cadye.com, cdye@ecf.axosfs.com;atty@cadye.com
Christian T Kim ckim@dumas-law.com, ckim@ecf.inforuptcy.com
Joseph L Pittera jpitteralaw@gmail.com
Jolene Tanner jolene.tanner@usdoj.gov, USACAC.criminal@usdoj.gov
United States Trustee (LA) ustpregion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:
On (*date*) ***February 2, 2021***, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Cathy L. Montenegro
1755 Hickory Avenue
Torrance, California 90503

GCFS, Inc.
c/o Burke H. Nelson, Gary A. Bemis
Legal Department of GCFS, Inc.
4301 Secondwind Way, Ste 110
P.O. Box 3410
Paso Robles, CA 93447-3410

☑ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) ***February 2, 2021***, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 2, 2021	Danielle M. Landeros	/s/ Danielle M. Landeros
Date	*Printed Name*	*Signature*

Label Matrix for local noticing
0973-2
Case 2:20-bk-18390-VZ
Central District of California
Los Angeles
Tue Feb 2 12:26:41 PST 2021

LEA Accountancy, LLP
3435 Wilshire Boulevard
Suite 990
Los Angeles, CA 90010-1998

UNITED STATES OF AMERICA on behalf of the IN
Attn: Jolene Tanner
300 N. Los Angeles Street, Room 7211
Los Angeles, CA 90012-3342

Los Angeles Division
255 East Temple Street,
Los Angeles, CA 90012-3332

(p)CAINE & WEINER COMPANY
12005 FORD ROAD 300
DALLAS TX 75234-7262

Canyon Estates Homeowners Association
Kyle Lakin, Esq Delphi Law Group LLP
1901 Camino Vida Roble #100
Carlsbad CA 92008-6560

Canyon Estates Homewoners Assoc
2323 South Madrona Drive
Palm Springs, CA 92264-9598

Convergent Outsourcing
Po Box 9004
Renton, WA 98057-9004

Desert Water Agency
1200 S. Gene Autry Trail
Palm Springs, CA 92264-3533

FRANCHISE TAX BOARD
BANKRUPTCY SECTION MS A340
PO BOX 2952
SACRAMENTO CA 95812-2952

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 7346
PHILADELPHIA PA 19101-7346

(p)JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

KOLL PER COLLEGE BUSINESS PARK, LLC
C/O KOLL COMPANY
17755 SKY PARK EAST, SUITE 100
IRVINE, CA 92614-6400

Koll/PER College
Business Park, LLC
c/o Richard L. Seide, APC
901 Dove Street Suite 120
Newport Beach, CA 92660-3018

Kyle Lakin, Esq.
Delphi Law Group
1901 Camino Vida Roble
Suite 100
Carlsbad, CA 92008-6560

(p)LOS ANGELES COUNTY TREASURER AND TAX COLLE
ATTN BANKRUPTCY UNIT
PO BOX 54110
LOS ANGELES CA 90054-0110

M Leonard &
14520 Erwin Street
Van Nuys, CA 91411-2340

Riverside County Tax Collector
Adelina Abril
4080 Lemon St, 4th Floor
Riverside CA 92501-3609

Riverside County Treasurer
P.O. Box 12005
Riverside, CA 92502-2205

Syncb/care Credit
C/o Po Box 965036
Orlando, FL 32896-0001

Unifund CCR Partners
Law Offices of Kenosian & Miele LLP
8581 Santa Monica Blvd. #17
Los Angeles, CA 90069-4120

United States Trustee (LA)
915 Wilshire Blvd, Suite 1850
Los Angeles, CA 90017-3560

Valley Collection Serv
Po Box 10130
Glendale, AZ 85318-0130

Carolyn A Dye (TR)
Law Offices of Carolyn Dye
3435 Wilshire Blvd, Suite 990
Los Angeles, CA 90010-1998

Cathy L. Montenegro
1755 Hickory Avenue
Torrance, CA 90503-7219

Joseph L Pittera
1308 Sartori Avenue Suite 109
Torrance, CA 90501-2755

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Caine & Weiner
Po Box 55848
Sherman Oaks, CA 91413

Internal Revenue Service
300 North Los Angeles Street
MS 5022
Los Angeles, CA 90012

Jpmcb Card
Po Box 15369
Wilmington, DE 19850

LOS ANGELES COUNTY TREASURER AND TAX COLLECT
PO BOX 54110
LOS ANGELES CA 90054-0110

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Dumas & Kim, APC

(u)LEA Accountancy

(u)Pacific Sothebys International Realty

(d)Kyle Lakin, Esq.
Delphi Law Group
1901 Camino Vida Roble
Suite 100
Carlsbad, CA 92008-6560

End of Label Matrix

Mailable recipients	25
Bypassed recipients	4
Total	29